

Section 11: Law Enforcement Contracts



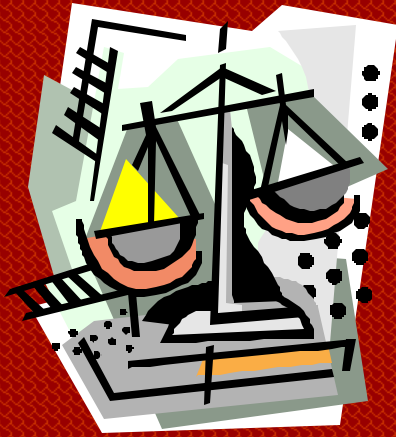
Objectives

- Understand the legislative history and regulatory basis for Law enforcement contracts.
- Understand the rationale for these contracts.
- Be able to develop a Law Enforcement Contract.
- Be able to develop and implement a Quality Assurance Surveillance Plan.
- Understand the potential of these contracts as a “tool” for addressing unique or special problems.
- Understand some of the typical problems.



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Legislative History



- **Section 120 of WRDA of 1976 (PL-94-587)**
- **Amended by PL 96-536**

Rationale / Reason

- ✦ **Criminal Activity**
- ✦ **Corps Exercises No Traditional Police Powers**
- ✦ **Proprietary Interest**
- ✦ **State and Local Laws Remain in Effect**
- ✦ **Magnitude of COE Recreation Program and Geographical Dispersion**
- ✦ **Local Agencies Have Not and Routinely Cannot Respond Satisfactorily During Peak Visitation**



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Regulation / Guidance

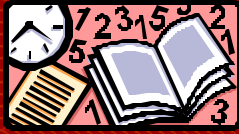
- ER 1130-2-550
- EP 1130-2-550
- 26 August 1993, CIR Information Letter No. 93-7
- 10 May 1996, Recreation Policy Letter No. 96-01

Plan of Operation

- Patrol Areas
- Description of Services
- Costs
 - Personnel
 - Equipment
- Contacts
 - Corps
 - Law Enforcement Agency
- Billing Procedures



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Patrol Calendars

- Exhibit to Plan of Operations
- Eliminates Need for Extensive Text
- Easily Modified to Vary Patrol to Prevent Element of Predictability
- Keep it Simple - Don't Attempt to Show too Much Information

SCHEDULE OF LAW ENFORCEMENT SERVICES
CONTRACT NO. ...CM69-96-C-0031
PROJECT - YATESVILLE LAKE
FOR MAY 1996

DAMSITE AREA
KINIST A
SERVICE AREAS A, B, & C
(Damsite, Maintenance Building & Office Compound)

Max equipment hours this month 16
Max man-hours this month 66

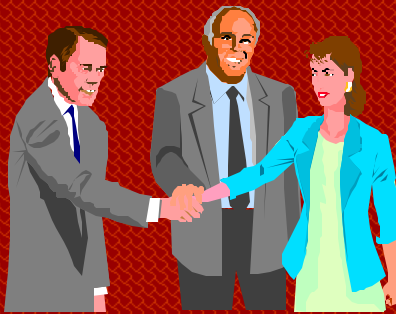
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 8PM - 10PM (2)	2	3 9PM - 12AM (3)	4 10PM - 12AM (2)
5 1PM - 4PM (3)	6	7 7PM - 9PM (2)	8	9 9PM - 11PM (2)	10 8PM - 12AM (4)	11 9PM - 12AM (3)
12 1PM - 4PM (3)	13 7PM - 9PM (2)	14	15 6PM - 8PM (2)	16	17 8PM - 12AM (4)	18 10PM - 1AM (3)
19 12PM - 3PM (3)	20	21 7PM - 9PM (2)	22	23 8PM - 10PM (2)	24 10PM - 1AM (3)	25 10PM - 2AM (4)
26 3PM - 8PM (5)	27 MEMORIAL DAY 1PM - 9PM (8)	28	29 7PM - 9PM (2)	30	31 8PM - 10PM (2)	



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Negotiations

- ☑ Why, When, Where, Who
- ☑ Scheduling and Conducting
- ☑ Documenting Results



COOPERATIVE AGREEMENT
NEGOTIATION RECORD

(1) PROJECT: _____

(2) COOPERATOR (NAME AND ADDRESS): _____

(3) SHERIFF'S/CHIEF OF POLICE (NAME, PHONE NUMBER): _____

(4) Areas to be patrolled: _____

(5) Month's: _____ through _____

ACCEPTS NEGOTIATED CALENDAR _____

Effective Start Date: _____

Effective Completion Date: _____

Max. No. Hrs. per day: _____

Max. No. Patrols per day: _____

(6) Name of Individual serving as Cooperator's contact: _____

(7) Name of Individual serving as Corps of Engineers contact: _____

(8) Estimated number of nonscheduled patrols/emergency assistance per week: _____

(9) Number of Officers per patrol: _____

11-19



Orientation

- **Required by ER 1130-2-550.**
- **Forum For Orienting All Personnel.**
- **Must Be Done Before Start of Work.**
- **Generally Conducted by Park Manager.**

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Quality Assurance Surveillance Plan

- Means of documenting performance
- Basis for addressing poor performance
- Supports management decisions regarding payment, termination, patrol schedule changes, Etc.

Verifying Performance

Inspection Methods

- ▶ Random
- ▶ Planned
- ▶ Impromptu



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Documentation

Corps

- Inspection Checklist
- Time Clock
- Park Attendant
- Radio Contact

Contractor

- Daily Law Enforcement Log



Diversifying Service to Address Unique or Special Problems

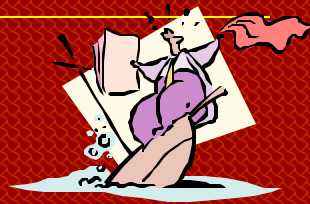
- Resource Protection
- “Stakeout” of Vandal Prone Areas
- Enforcement of Special Restrictions
 - Alcohol Restrictions
 - Quiet Hours
 - Close Day Use Hours



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Potential Problems

- Enforcement
- Patrolling Outgrants
- Calls off Site
- Completion of Daily Law Enforcement Log
- Ranger Riding with Officer
- Boat Patrols

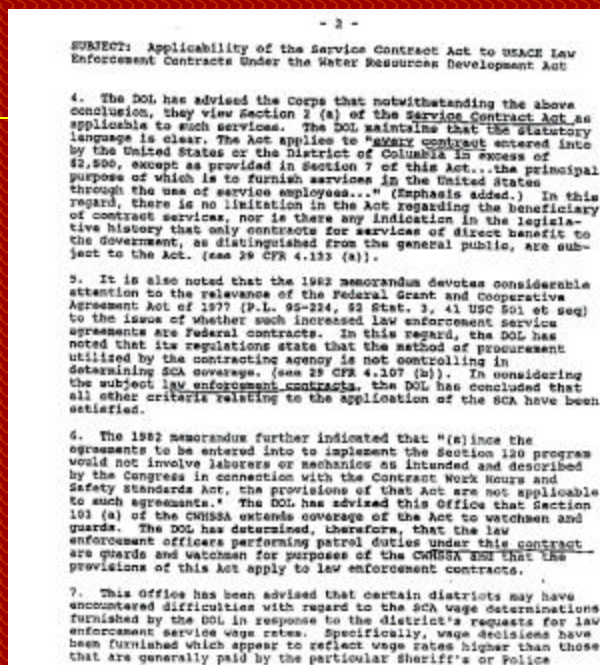
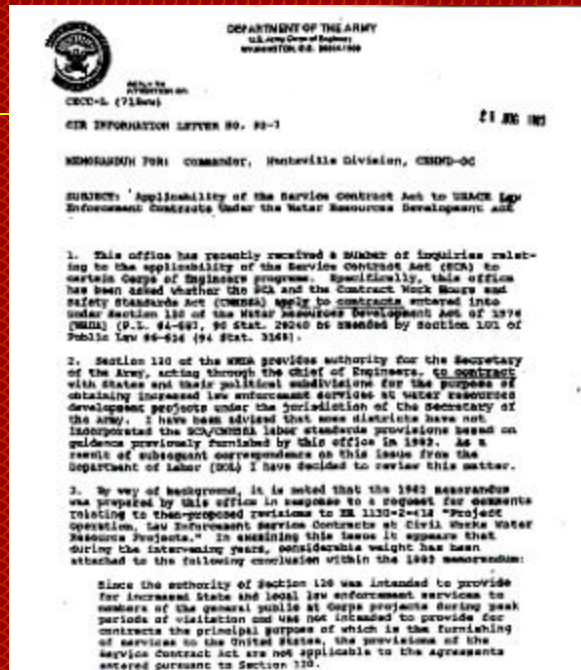


Potential Problems cont.

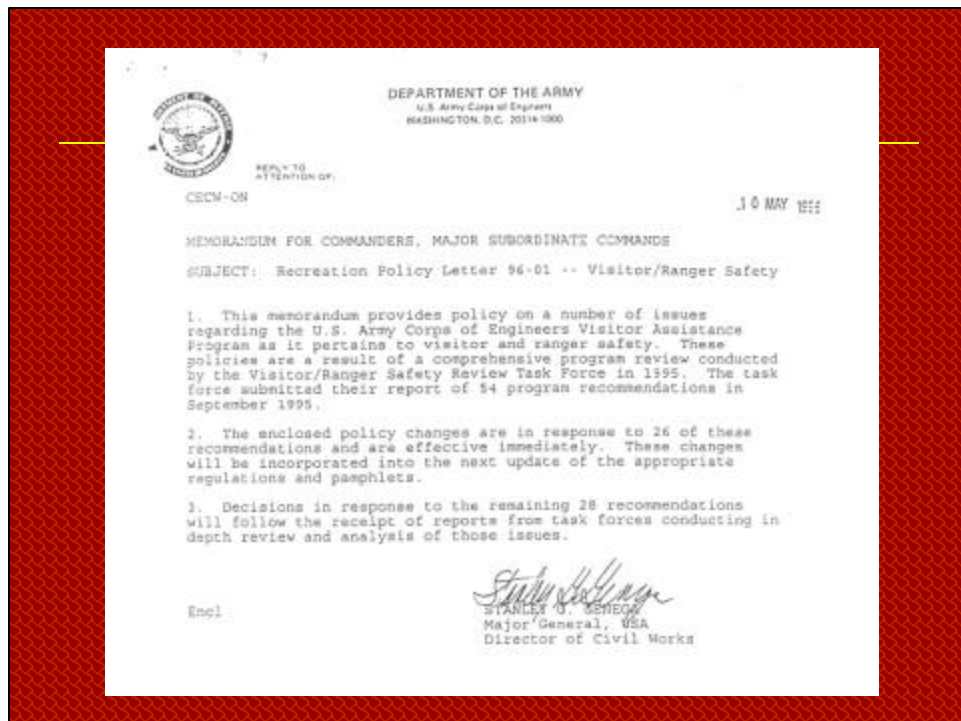
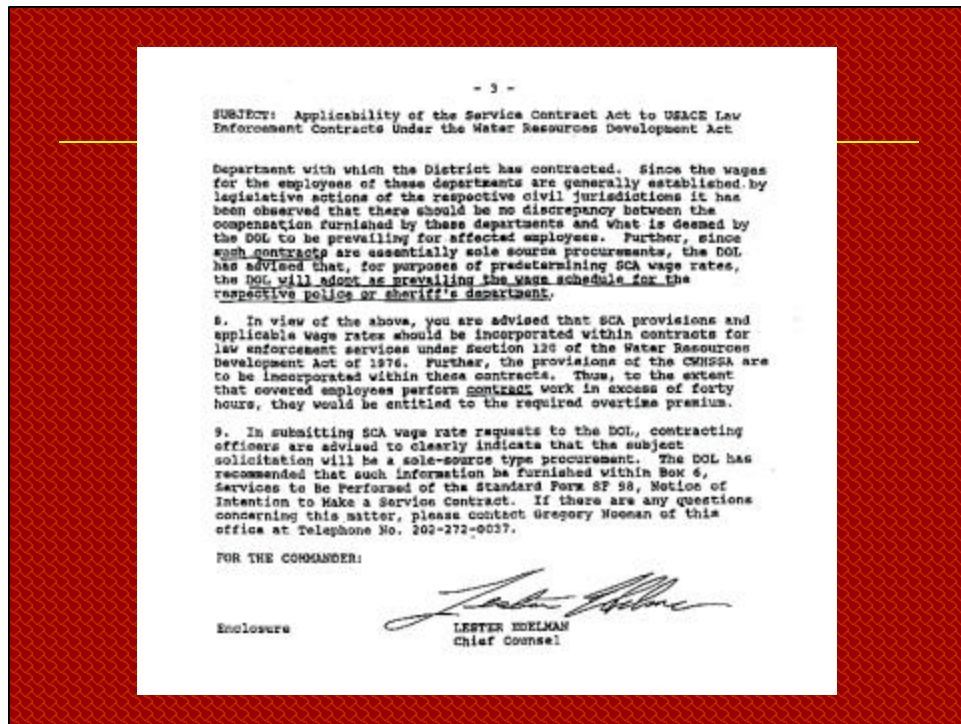
- Officer Qualifications
- Payment for Orientation
- Rates Paid Officers
- Failure to Perform Patrols
- Court Cost Associated with Citations



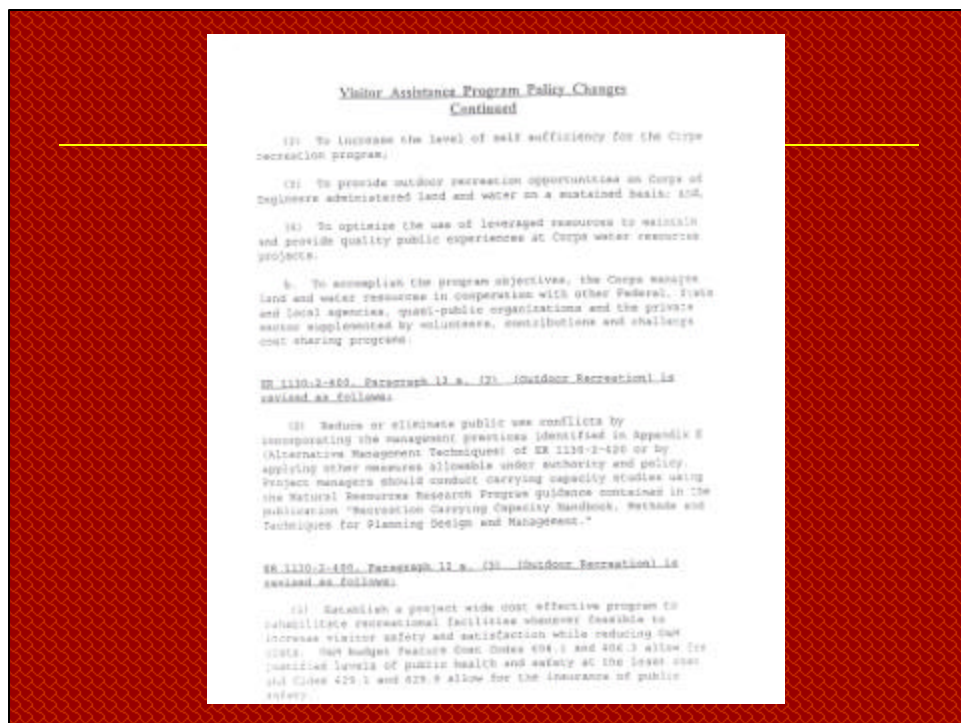
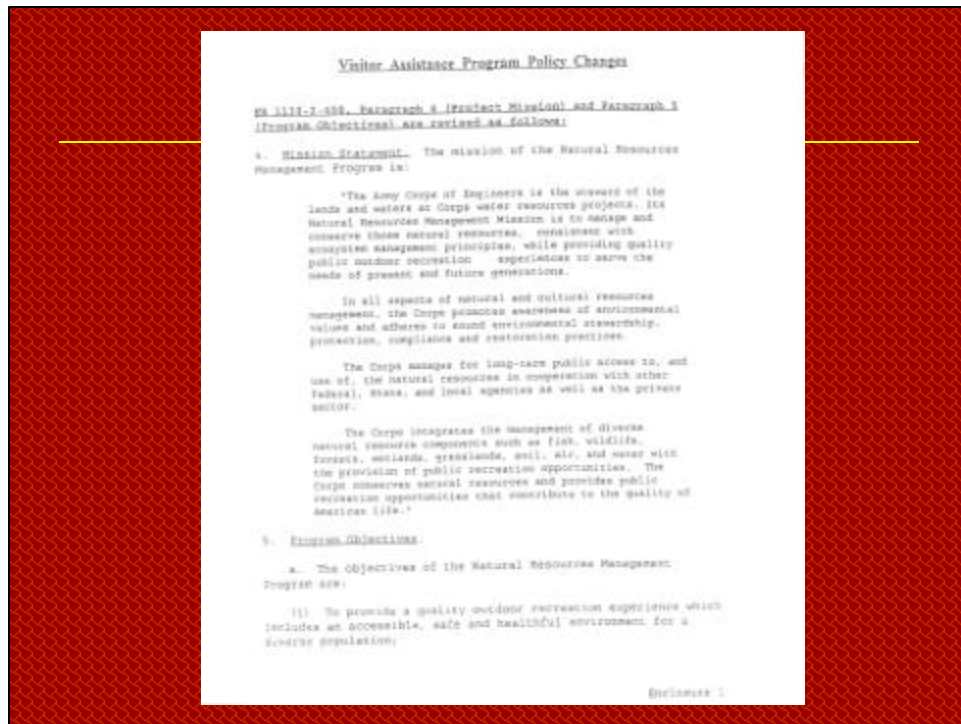
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Visitor Assistance Program Policy Changes Continued

SR 1116-2-400, Paragraph 12 (Outdoor Recreation) is revised to include the following additional paragraph:

d. Night Closures of Day Use Areas. Unattended day-use areas will be closed at night if such a restriction on public access is considered necessary by the manager in order to provide adequate visitor safety and resource protection. Prior to any such closure, consideration will be given to alternatives that accommodate the continued authorized use of the facilities while providing the necessary levels of safety and protection. Users of those facilities will be fully informed concerning the details of any closure, and wherever appropriate, will be provided opportunities to provide input into such decisions.

SR 1116-2-400, Paragraph 18 (Sale or Storage of Alcoholic Beverages) is revised to include the following additional paragraph:

18. Sale, Storage Or Restrictions of Alcoholic Beverages.
(new title)

e. District Commanders have the authorization under 36 CFR Chapter III, Part 327.11 (Title 36) to prohibit the possession or use of alcohol at selected areas and projects within their jurisdiction. To determine the need for such restrictions, periodic joint natural resource management and security assessments will be conducted at all water resources development projects, with an annual visitation of 20,000 visitor hours or more, regarding the need to ban alcohol consumption/possession on project-administered lands and waters. Commanders will insure that initial assessments are completed by 30 May 1997. Additional assessments will be conducted as appropriate.

Visitor Assistance Program Policy Changes Continued

SR 1116-2-400 is revised to include the following additional paragraph:

17. Security Measures.

a. Managers will comply with Army regulations governing the security and storage of funds, particularly AR 37-10, Disbursing Operations for Finance and Accounting Offices.

b. As a minimum, managers will consider the following actions to enhance the security of personnel handling funds as well as safeguarding the funds themselves:

(1) Collect and deposit funds frequently to reduce the amount stored on-hand.

(2) Vary the times of collection and deposit to avoid developing patterns and becoming a target.

(3) Vary the routes to and from collection and deposit, if possible, to avoid patterns.

(4) Maximize the use of credit cards to reduce the cash stored on-hand.

(5) Contract for private security to collect and deposit funds.

(6) Include collection and deposit of funds in cooperative law enforcement agreements.

(7) Ensure personnel collecting and storing funds work in pairs and have reliable communication equipment (radio or cellular phone) available at all times.

c. District security managers will assist operations project managers in assessing the criminal threat to their operation and recommending protective measures.

d. District security managers will review the security of personnel and funds during biennial physical security inspections.



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Visitor Assistance Program Policy Changes Continued

GR 1130-1-418, Paragraph 5 (Policy) is revised to include the following additional paragraph:

f. In addition to the enforcement of state or local laws, cooperative agreements for law enforcement services may be used for other related activities such as, but not restricted to, patrols in remote areas, serving bench warrants, fee collection and other services, as determined by the project manager. The activities included in an agreement are dependent on what can be negotiated with the law enforcement agency. In no case will agreements include the provision of water safety patrols or the enforcement of state boating laws.

GR 1130-1-428, Paragraph 5 (Policy) is revised as follows:

5. Policy. It is the policy of the Corps of Engineers to provide safe and healthful recreation opportunities while protecting and enhancing project resources. The protection of facilities or the enforcement of rules will always be secondary to the safety of Corps personnel, contract employees, and visitors. Managers and rangers will strive to be visible to the public, primarily to help and assist them, and secondarily, to enforce 36 CFR Chapter III, Part 127 (Title 36).

(Note: Paragraphs 5 a. and 5 b. remain unchanged)

c. The role of the ranger is defined as a Regulation Enforcer with full citation authority of 36 CFR Chapter III, Part 127. Available use of force options includes visual presence, verbal persuasion/detention and unarmed self defense. The authority of managers and park rangers is limited to the enforcement of rules and regulations as designated in Title 36 and does not extend to arrest authority or the enforcement of state and local laws, including game laws. This authority is applicable to:

(1) All water areas of any water resource development project administered by the Chief of Engineers, without regard to ownership of underlying land;

Visitor Assistance Program Policy Changes Continued

(2) All lands owned in fee by the Federal Government; and,

(3) All facilities of any such water resources development project.

GR 1130-1-428, Paragraphs 11 b,c,d (Vehicles and Vessels), are revised as follows:

b. Manager and ranger vehicles and vessels may be equipped with a fixed spot light on the operator's side. Vehicles may be equipped with a single removable warning light which is acceptable to the states in terms of color and placement. Lights mounted behind the grill, which are inconspicuous to the public when not in use, are authorized. Fixed roof or external grill-mounted warning lights are not authorized. The purpose of this equipment is for visitor assistance and not the enforcement of state/local laws. District offices will periodically review the use of these lights to ensure compliance with this paragraph.

c. Managers may equip vehicles and vessels with a public address system and warning siren. The equipment will not be visible to the public and will be used with discretion in emergency situations. Exceptions may be made for vessels depending upon the size and design of the hull.

d. All manager and ranger vehicles will be equipped, at a minimum, with first aid kits, fire extinguishers, blood-borne pathogen handling kits, rescue throw bags, binoculars, camera and flash light. All vessels will be furnished with the same equipment except that they will have US Coast Guard and state-required safety equipment, marine-use fire extinguishers and/or pumps. Districts and projects may provide additional equipment for manager and ranger vehicles and vessels as required.



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Visitor Assistance Program Policy Changes Continued

HR 3128-2-420, Paragraph 12 (Communications), is revised as follows:

12. Communications.

a. Managers will provide reliable communication equipment in support of natural resources management activities. Authorized communication equipment may include cellular phones and multiple frequency programmable scanning radios (fixed and hand held) with local/state law enforcement interface, state wildlife/boating officer interface, appropriate rescue/fire interface, weather channels, and separate frequencies for overlapping projects. Corps base stations may be located off project lands and local law enforcement agency base stations may be placed on Corps property, as necessary, to obtain reliable communications.

b. Managers will determine the most reliable communication system for their project. However, if radios are selected over cellular phones, project managers will ensure that a base station is staffed continuously while personnel are on duty in the field. If continuous staffing is impossible, cellular phones should be provided.

c. Park attendance will be provided with either telephone or radio communication system to enhance their safety as well as that of visitors. When warranted, park attendants may be issued portable radios.

d. The installation of public telephones at entrance stations, beaches, and other public use areas is encouraged to enhance visitor safety. Where feasible, telephones should permit the caller to contact the operator without depositing coins. A listing of appropriate emergency telephone numbers such as fire, medical, police, rescue, and Corps officials should be placed in recreation areas near the location of public telephones.

e. District commanders will ensure that surveys are conducted periodically to confirm that reliable communication equipment is available to personnel, is located in vehicles and vessels, and is in serviceable condition.

Visitor Assistance Program Policy Changes Continued

HR 3128-2-420, Paragraph 13a (Other Training), is revised as follows:

e. Other Training.

(1) All personnel performing visitor assistance duties must receive a minimum of 24 hours of personal protection/unarmed self defense, situation evaluation and tactical communication training within two years of employment. This training can be obtained through NPSACE-sponsored courses (where available) or locally-sponsored courses. Local courses must strictly adhere to Corps authority and policy and must be approved by NPSACE prior to implementation. Instructors must be fully knowledgeable and supportive of the philosophy, objectives and authority limitations of the visitor assistance program.

(2) Managers and supervisors will assure that individuals who perform Visitor Assistance duties are provided first aid, cardiopulmonary resuscitation, blood-borne pathogen and other appropriate health training, and offered preventative inoculations in order that they be qualified to perform immediate, on-site emergency medical treatment to injured personnel and visitors. Employees shall receive the equivalent of Red Cross Advanced First Aid and Emergency Care course. Increased first aid training up to Emergency Medical Technician Basic (EMT Basic) is authorized for a minimum number of selected permanent staff members at the discretion of the manager. Refresher medical training may be required to maintain certification.

(3) Obtaining preventive inoculations for blood-borne pathogens is a condition of employment for park rangers and other personnel with visitor assistance responsibilities who are hired on or after the effective date of this policy.

(4) To complement visitor assistance training, manager and permanent ranger personnel shall receive, at the district or project level, training on defensive driving, cultural resource protection, historic property protection, water safety, and boat licensing and operation. Where necessary, training in a second language other than English is highly recommended.



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Visitor Assistance Program Policy Changes Continued

EP 1130-2-420, Paragraph 13 (Training) is revised to include the following additional paragraph:

g. All Natural Resource Management program staff shall receive training in accordance with this paragraph and EP 490-2-2, Career Development Guide for Civil Works Natural Resources Management Team Members. Project managers are responsible for ensuring that permanent, seasonal and temporary rangers with visitor assistance responsibilities receive the prescribed training. Temporary employees who perform visitor assistance duties and enforce Title 36 will receive the same visitor assistance training provided to permanent and seasonal rangers with similar duties.

